

where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character, or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 276, "An Act to prohibit the use of any trap, seine, or net of any kind or character for the purpose of taking or catching any fish out of the west fork or tributary of the Trinity River in Wise County, Texas, for a period of three (3) years from and after the effective date of this Act; prescribing a penalty therefor, providing, however, that this Act shall not prohibit the use of a minnow seine in such river, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 8, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 321, "An Act amending Article 5139 of the Revised Civil Statutes of Texas, 1925, by adding a new article to be known as Article 5139A providing for the establishment of a Juvenile Board in counties having a population of sixty-four thousand (64,000) inhabitants and not more than sixty-five thousand (65,000) inhabitants according to the last preceding Federal Census; providing for the compensation of the members of said Board, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 367 "An Act validating all County Line Independent Rural High School Districts partly situated in three (3) counties, the supervision of said schools being located in counties having a population of not less than eleven thousand, four hundred and twelve (11,412) nor more than eleven thousand, nine hundred (11,900), as shown by the last preceding Federal Census; validating the actions of the County School Boards of Trustees of such Counties; validating all proceedings and actions of said Boards of Trustees; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 29, Authorizing the State Highway Department to lend scarifier to Grimes County.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

February 9, 1939

House Bill No. 367.

House Bill No. 321.

House Bill No. 276.

House Bill No. 209.

House Bill No. 201.

House Bill No. 192.

House Concurrent Resolution No. 29.

TWENTY-SECOND DAY

(Monday, February 13, 1939)

The House met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker
Allen

Allison
Anderson

Bailey	Howington
Baker	Hull
of Fort Bend	Hunt
Bell	Isaacks
Blankenship	Johnson of Ellis
Bond	Johnson of Tarrant
Boyd	Keith
Boyer	Kennedy
Bradbury	Kern
Bradford	Kerr
Bray	Kersey
Bridgers	Kinard
Broadfoot	King
Brown of Cherokee	Langdon
Brown	Lehman
of Nacogdoches	Leonard
Bundy	Leyendecker
Burkett	Little
Burney	Lock
Cauthorn	Loggins
Celaya	London
Chambers	Mays
Clark	McAlister
Cleveland	McDaniel
Cockrell	McDonald
Coleman	McFarland
Colquitt	McMurry
Colson, Mrs.	McNamara
Cornett	Mohrmann
Corry	Monkhouse
Crossley	Montgomery
Daniel	Newell
Davis of Jasper	Nicholson
Davis of Upshur	Oliver
Dean	Olsen
Derden	Pace
Dickison	Petsch
Dickson	Pevehouse
Donaghey	Piner
Dowell	Pope
Dwyer	Ragsdale
Faulkner	Reader of Bexar
Felty	Reader of Erath
Ferguson	Reaves
Fielden	Reed
Fuchs	Rhodes
Galbreath	Riviere
Gilmer	Roach
Goodman	Roberts
Gordon, Mrs.	Robinson
Hale	Russell
Hamilton	Schuenemann
Hankamer	Segrist
Hardin	Shell
Harp	Skiles
Harper	Smith of Frio
Harrell of Bastrop	Smith of Hopkins
Harrell of Lamar	Smith
Harris	of Matagorda
Hartzog	Spencer
Heflin	Stinson
Holland	Stoll
Howard	Talbert

Tarwater	Weldon
Taylor	Wells
Tennant	Westbrook
Thornberry	White
Thornton	Wilson
Turner	Winfree
Vale	Wood
Vint	Worley
Voigt	Wright
Waggoner	

Absent—Excused

Alsup	Hardeman
Baker of Grayson	Morris

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, more than we realize or can understand we are dependent upon Thee, not only for our daily bread, but for the abilities and opportunities of life. We pray that Thou wouldst strengthen us and increase our every qualification, to enable us to meet the serious responsibilities devolving upon us from day to day. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Hardeman for today, on motion of Mr. Goodman.

Mr. Alsup for today, on motion of Mr. Kern.

Mr. Morris for today, on motion of Mr. Thornberry.

Mr. Leonard temporarily for today, on motion of Mr. Reader of Bexar.

The following Member was granted leave of absence on account of illness:

Mr. Baker of Grayson for today, on motion of Mr. Keith.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Piner:

H. B. No. 489. A bill to be entitled "An Act providing for a Workmen's Compensation Fund; defining certain terms; providing Industrial Accident Board shall administer this Act; prescribing the powers and duties of the Industrial Accident Board; providing for payment of compensation; provid-

ing who shall be entitled to receive compensation; providing Industrial Accident Board may promulgate certain rules of procedure; providing that certain information shall be furnished by the employer; providing Industrial Accident Board shall classify occupations and industries; providing Industrial Accident Board shall set rates of premiums; providing penalty for violation of Act or order of Board; providing for collecting funds for maintenance and for disbursements of monies; providing that certain reports be made to Industrial Accident Board; providing that injuries be classified; providing for medical services; regulating attorney fees; providing for funeral expenses; providing for notices of injury to be furnished the Industrial Accident Board; providing that records shall be kept by Industrial Accident Board; providing for appeals from rulings of the Industrial Accident Board; providing for reports to the Governor; declaring the provisions of this Act to be severable."

Referred to the Committee on Insurance.

By Mr. Brown of Nacogdoches:

H. B. No. 490, A bill to be entitled "An Act amending House Bill No. 38, Chapter 7, page 13, of the General and Special Laws of the Forty-third Legislature, Third Called Session, 1934, providing for open season for taking squirrels in Nacogdoches County; providing penalties; repealing all laws in so far as they may be in conflict, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Clark, Mr. Burkett, Mr. Brown of Nacogdoches, Mr. Crossley, Mr. Hunt, Mr. Allison, Mr. Vint, Mr. Pevehouse, Mr. Russell, Mr. Derden, Mr. Reaves, Mr. Turner, Mr. Reader of Erath, Mr. Howington, Mr. McMurry, Mr. Smith of Frio, Mr. Holland, Mr. Langdon, Mr. Daniel, Mr. Ferguson, Mr. Newell, Mr. Spencer, Mr. Weldon, Mr. Johnson of Ellis, Mr. Cleveland, Mr. Hardin, Mr. Bradbury, Mr. Loggins, Mr. Lehman and Mr. Harrell of Lamar:

H. B. No. 491, A bill to be entitled "An Act prescribing procedure for the collection of claims for bodily injury and/or property damage, stating parties thereto, making certain evi-

dence admissible in trials of such causes, defining terms, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Johnson of Ellis:

H. B. No. 492, A bill to be entitled "An Act authorizing municipalities, political subdivisions, and taxing districts to effect a plan for the composition of their indebtedness under the provisions of the Federal Bankruptcy Laws enacted by the Congress of the United States, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Smith of Frio:

H. B. No. 493, A bill to be entitled "An Act amending Article 5986 of the Revised Civil Statutes of 1925, eliminating certain provisions of said Article, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Wood:

H. B. No. 494, A bill to be entitled "An Act to facilitate the cooperation of this State with other units of government, determining the membership of the Board, and establishing the Texas Commission on Interstate Cooperation; describing the functions and operations of said Commission; providing for the establishment of delegations and committees; providing for reports, and declaring an emergency."

Referred to the Committee on Interstate Cooperation.

By Mr. Westbrook:

H. B. No. 495, A bill to be entitled "An Act providing for traveling expenses of County Commissioners of certain counties, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Johnson of Ellis:

H. B. No. 496, A bill to be entitled "An Act providing additional qualifications for superintendents of schools for the deaf, and declaring an emergency."

Referred to the Committee on State Eleemosynary and Reformatory Institutions.

By Mr. Davis of Upshur:

H. B. No. 497, A bill to be entitled "An Act to amend Article 7047, Revised Civil Statutes of Texas, 1925, to provide for levy of annual occupation tax on all public dance halls; defining public dance halls; providing that said tax shall not be levied on any place where the price or fee charged for admission to such place, or for dancing at such place, inures exclusively to the benefit of State, Religious, Educational, Charitable or Civic Institutions, Societies or Organizations, if no part of the net earnings thereof inures to the benefit of any private stockholder or individual; providing for penalties and punishment for operating a public dance hall without having paid such tax; providing for posting of receipts issued to cover payment of such tax; and for punishment of operating a public dance hall without posting such receipt; directing the Attorney General, District and County Attorneys, to enforce this Act, and authorizing the bringing of injunction proceedings to enjoin the operating of a public dance hall without payment of said tax; allocating one-fourth of the revenues derived under and by virtue of this Act to the Available School Fund, and three-fourths of said revenues to the Texas Old Age Assistance Fund; authorizing counties, incorporated cities, towns and villages to collect one-half of the amount of such tax; providing that if any provision or Section of this Act is held unconstitutional or invalid, the same shall not operate to defeat the whole Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Davis of Upshur:

H. B. No. 498, A bill to be entitled "An Act amending Article 995 of the Penal Code of 1925, providing a penalty for forgery, providing a saving clause, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Davis of Upshur:

H. B. No. 499, A bill to be entitled "An Act to prohibit the employment of girls and women under the age of twenty-one (21) years at any place where any alcoholic beverage containing alcohol in excess of one-half of one per centum ($\frac{1}{2}\%$) by volume is sold, possessed or kept for the purpose of

sale, and at any business establishment where liquor is permitted or allowed to be drunk, or consumed, on the premises, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Hamilton and Mr. Pevehouse:

H. B. No. 500, A bill to be entitled "An Act amending Chapter 33 of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Regular Session, as amended by Chapter 7 of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Second Called Session, by adding thereto Sections 30a and 30b, providing that the Commissioners' Court of Hill County, Texas, may authorize and issue refunding bonds of said County for the purpose of funding certain scrip warrants outstanding against its Road and Bridge Fund as of February 15, 1939, and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the County officials of said County in authorizing, issuing and delivering said warrants, providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict herewith; repealing all laws and parts of laws in conflict herewith, enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Allen:

H. B. No. 501, A bill to be entitled "An Act permitting any defendant to testify and providing that he shall not be compelled to testify; providing that it shall not be error for the jury to comment in their deliberations upon the failure of the defendant to testify; providing the conditions under which one or more persons may testify for and against the other where they have been jointly indicted where a severance or dismissal has been granted; providing that all laws or parts of laws in conflict herewith are hereby repealed and that if any part or portion of this Act shall be declared unconstitutional, such decree shall not affect the remainder and severable parts thereof."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Allen:

H. B. No. 502, A bill to be entitled "An Act providing for the method of summoning a special venire in capital cases; providing that the veniremen may be summoned by the mailing of postal cards by the sheriff after their selection as now provided by law; providing that when either the State or the defendant desires that a special venire be summoned, five days notice shall be given prior to the date such case is set and providing for the non-necessity of such special venire in case such notice is not given; further providing that where the court appoints an attorney for the defendant, such case shall not be tried until the expiration of five days thereafter to comply with the terms of this Act; providing for the waiver of motions of continuance on known grounds existing as of the date of the request that a venire be summoned; providing that if any part or portoin of this Act is declared to be unconstitutional, it shall not affect the validity of the remainder hereof; providing that all laws or parts of laws in conflict herewith be repealed."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Allen:

H. B. No. 503, A bill to be entitled "An Act providing that in all cases where two or more defendants are jointly indicted, the right of severance and to separate trials shall be vested in the discretion of the Court; providing for applications for severance and providing for the repeal of all laws or parts of laws in conflict herewith."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Newell:

H. B. No. 504, A bill to be entitled "An Act making it burglary for any person in this State to enter an automobile at either day or night with intent to commit a felony or theft, prescribing punishment therefor, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Hardeman, Mr. Goodman and Mr. Reader of Erath:

H. B. No. 505, A bill to be entitled "An Act to establish a State manufacturing plant or plants, providing for a board composed of the Governor

of the State of Texas; the Attorney General of the State of Texas; Chairman of the State Highway Commission; the Chairman of the Board of Control and the Chief Engineer of the State Highway Commission; granting said Board powers to locate a site or sites and the purchase thereof and contract for the erection of such plant or plants; leaving it within the discretion of said Board to enter into long time contracts in lieu of the erection of such plant or plants provided for the creation of the State Manufacturing Commission to have control and management of said factory or factories after the same are put into operation by the Locating Board; providing for the disposition of said products by said Commission for public use only; providing the manner of disposition by said Commission, making an appropriation, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Rhodes:

H. B. No. 506, A bill to be entitled "An Act levying a tax of 2% on all new cars sold in the State of Texas, providing for the collection thereof, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Dowell:

H. B. No. 507, A bill to be entitled "An Act to prohibit persons who may purchase municipal bonds, or persons who are connected with any firm or corporation which may purchase such bonds from holding any elective city office, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Allison:

H. B. No. 508, A bill to be entitled "An Act requiring the consent of the Division of Child Welfare and the Division of Public Welfare, State Board of Control, for importation of children; describing the conditions under which such consent shall be given; empowering the Division to make rules and regulations for the enforcement of this Act; declaring a penalty in violation of such provision providing for the enforcement of the provisions of this Act by the Board of Control through the Division of Child Welfare until such time as a Division of Public Welfare is organ-

ized under the law providing for such Division; repealing Sections 6 and 7 of Senate Bill No. 375, Forty-second Legislature, and all laws and parts of laws in conflict herewith, saving clause, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Allison:

H. B. No. 509, A bill to be entitled "An Act defining certain words and phrases; requiring any person who shall place a child or who shall own, conduct, or manage a child-placing agency, day nursery, free foster home, children's boarding home, children's institution or other place for the care and custody of children under sixteen (16) years of age, or who shall solicit funds for child welfare or for any such place, home or institution aforesaid, to obtain an annual license from the Division of Child Welfare and Division of Public Welfare, State Board of Control, which license shall be issued without fee, and under such reasonable and uniform rules and regulations as said Division shall prescribe upon approval by said Board of Control. Certain exceptions stipulated, viz., parents or guardian living in same home; children related to foster parent; or placements made directly by a parent or guardian with a licensed agency, or in a boarding home or institution licensed by said Division, or in any free foster home, or from a foster parent receiving such child or children in such home. Other exceptions specified, viz.; placements made upon order of a court of competent jurisdiction or by staff members of the Division in performance of their functions and duties; or where care and maintenance is provided by hospitals or institutions operating primarily for educational purposes. Requiring such persons to keep records and make reports as may be reasonably prescribed and making it the duty of said Division or an authorized representative of same, to inspect such places and institutions; providing for revocation and suspension of license and requiring such person to be first notified in writing the grounds of such proposed revocation, suspension or refusal of renewal and giving licensee opportunity of fair hearing prior to such revocation. Making it unlawful for a person to advertise that he will adopt a child or to advertise child-placing or

any child for placement or that he charges or to actually charge or receive compensation for placement, transfer of guardianship, administrative costs, or to charge or receive from the prospective or actual foster parents the cost of care and maintenance of a child which was incurred prior to its placement in such foster home. Providing for the enjoining of any such person violating the provisions of this Act, in a suit brought by the Attorney General, District or County Attorney of any county in which said act or acts occur; providing for penalty; in any prosecution placing burden of proof on defendant when in defense he relies upon the relationship of any child to himself; providing for the enforcement of the provisions of this Act by the State Board of Control through the Division of Child Welfare until organization of a Division of Public Welfare is provided for by law; repealing House Bill No. 474, Forty-first Legislature; and Senate Bill No. 396, Forty-fourth Legislature; and all laws and parts of laws in conflict; saving clause, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Allison:

H. B. No. 510, A bill to be entitled "An Act prohibiting any association having for its purpose to provide care or services for children under sixteen (16) years of age, or for the soliciting of funds for such places, from filing with the Secretary of State a proposed charter of incorporation, or proposed amendments to an existing charter unless same is first submitted to the Division of Child Welfare and the Division of Public Welfare, State Board of Control, for approval; making such approval a condition precedent to such charter or amendment, stipulating the general basis for approval; and providing written notice of reasons for denial of such approval; repealing Section 9, Senate Bill No. 375, Acts Forty-second Legislature, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Dowell:

H. B. No. 511, A bill to be entitled "An Act to prohibit the purchases of certain agricultural products unless accompanied by an affidavit from the

vendor as to the property on which products were grown, fixing a penalty, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Dowell:

H. B. No. 512, A bill to be entitled "An Act to prohibit certain public exhibitions or contests by inmates of the State Penitentiary, providing certain exceptions, and declaring an emergency."

Referred to the Committee on Penitentiaries.

By Mr. Colquitt and Mr. Roach:

H. B. No. 513, A bill to be entitled "An Act to amend Chapter 17, Special Acts of the First Called Session of the Forty-second Legislature, being Senate Bill No. 44, permitting the seining of fish during the months of July, August and September of any year in Hunt, Kaufman and Rains Counties, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Smith of Hopkins:

H. B. No. 514, A bill to be entitled "An Act to provide that the State become the beneficiary where there are no beneficiaries provided for under the Workmen's Compensation Act; creating a fund known as Employee's Rehabilitation Fund and appropriating the same to the Vocational Rehabilitation Division of the State Department of Education, for the purpose of rehabilitating and buying artificial arms, legs and other appliances; providing for the administration, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Harp, Mr. Boyer and Mr. Rhodes:

H. B. No. 515, A bill to be entitled "An Act to amend Section 16, Chapter 466, Acts, 1935, Forty-fourth Legislature, Second Called Session, by providing for the suspension of revocation of licenses upon the fixing of a suspended sentence, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Taylor:

H. B. No. 516, A bill to be entitled "An Act to validate acts of city of-

ficials and proceedings of city governing bodies in borrowing money from the Reconstruction Finance Corporation or other agencies of the United States Government for the purpose of making repairs and extensions, or either, to a dam comprising part of a waterworks system; declaring money so borrowed with interest thereon, to be a legal obligation of such city or town payable from the revenues of its waterworks system, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Hamilton and Mr. Russell:

H. B. No. 517, A bill to be entitled "An Act amending Senate Bill No. 514, Chapter 101, page 140 of the Special Laws of the Regular Session of the Forty-third Legislature, 1933, eliminating certain counties from the provisions of said Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Monkhouse:

H. B. No. 518, A bill to be entitled "An Act making it unlawful for any person to engage in fishing from any causeway, bridge or structure located on any highway being maintained by the State Highway Department; making the violation of this Act a misdemeanor and providing a penalty for violation, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Monkhouse:

H. B. No. 519, A bill to be entitled "An Act to authorize the State Highway Department, in conjunction with the Bureau of Public Roads, to expend, from and after the effective date of this Act, upon roads not a part of the system of State highways, funds appropriated by the Congress of the United States and allocated by the Secretary of Agriculture of the United States to the State Highway Department for expenditure on such roads; to permit such funds to be matched or supplemented from the State Highway Fund; expressly repealing all laws or parts of laws in conflict herewith to the extent of such conflict, but said laws

are not otherwise repealed, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Vale:

H. B. No. 520, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of issuing bonds and maintaining the public schools in school districts in all counties which, according to the last preceding Federal Census, had a population of not fewer than ten thousand, four hundred (10,400) and not more than ten thousand, seven hundred (10,700); repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Isaacks:

H. B. No. 521, A bill to be entitled "An Act to repeal Article 4875a-3 of Chapter 9A, entitled Local Mutual Aid Associations, as shown in Vernon's Texas Statutes, 1936, Centennial Edition, limiting the territory in which mutual aid associations shall be permitted to operate, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Isaacks:

H. B. No. 522, A bill to be entitled "An Act to amend Article 2968, Title 50, Chapter 5 of the Revised Civil Statutes, 1925, so as to require all qualified voters not subject to payment of poll tax to procure a certificate of exemption in lieu of a poll tax receipt, and declaring an emergency."

Referred to the Committee on Privilege, Suffrage and Elections.

By Mr. Goodman, Mr. Reader of Erath and Mr. Derden:

H. B. No. 523, A bill to be entitled "An Act amending Article 977, Title 28, Chapter 2 of the Revised Civil Statutes, 1925, so as to provide for the appointment of all other officers by the City Council when so provided by ordinance; amending Article 999, Title 28, Chapter 3 of the Revised Civil Statutes, 1925, so as to authorize the governing bodies of general law cities and towns, having more than three thousand (3,000) inhabitants, to dispense with the office of marshal

and imposing duties thereof upon some other officer, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Fielden:

H. B. No. 524, A bill to be entitled "An Act to amend Section 10 of Article 4, of Chapter 495, Acts, 1936, Forty-fourth Legislature, Third Called Session, by striking therefrom paragraph D, and substituting therefor a new paragraph D, exempting from the operation of said Act county, district or community fairs, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. White, Mr. Harrell of Bastrop, Mr. Cornett, Mr. Wells, Mr. Spencer, Mr. Weldon and Mr. Kennedy:

H. B. No. 525, A bill to be entitled "An Act amending Subsection 40a of Article 7047 of the Revised Civil Statutes of 1925, Section 1, Chapter 212, House Bill No. 251, Acts of the Regular Session, Forty-second Legislature, page 355, Section 1, as amended by Acts of the Forty-fourth Legislature, Third Called Session, page 2040, Chapter 495, Article 4, Section 6, providing for occupation tax on sulphur, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Hale:

H. J. R. No. 29, Proposing to amend Article III, Sections 1 and 41, of the Constitution of the State of Texas; providing for the initiation and enactment of laws by the people; authorizing the reference of legislative Acts to the people for their approval or rejection, at the discretion of the Legislature or the people; and making the necessary arrangements for the submission of this amendment.

Referred to the Committee on Constitutional Amendments.

BILLS ORDERED NOT PRINTED

On motion of Mr. Smith of Frio, House Bill No. 173 was ordered not printed.

On motion of Mr. Ragsdale, House Bill No. 408 was ordered not printed.

On motion of Mr. Davis of Upshur, House Bill No. 474 was ordered not printed.

RELATIVE TO HOUSE BILL NO. 247

Mr. Bradbury moved that the necessary Rules be suspended, and that the House resolve itself into a Committee of the Whole House at 7:30 o'clock p. m., Tuesday, February 14, for the purpose of considering House Bill No. 247.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—71

Allen	Hunt
Allison	Isaacks
Bailey	Keith
Bell	Kennedy
Blankenship	Kern
Boyd	Kersey
Bradbury	King
Brown of Cherokee	Langdon
Brown	Lock
of Nacogdoches	London
Burkett	McDonald
Chambers	Newell
Clark	Oliver
Cleveland	Petsch
Coleman	Piner
Cornett	Reader of Erath
Corry	Reaves
Crossley	Rhodes
Daniel	Roach
Davis of Jasper	Roberts
Davis of Upshur	Russell
Dean	Skiles
Derden	Smith of Hopkins
Dickison	Spencer
Dowell	Stoll
Ferguson	Tarwater
Galbreath	Thornberry
Hale	Turner
Hamilton	Vint
Harp	Weldon
Harper	Wells
Harrell of Bastrop	Westbrook
Harrell of Lamar	White
Harris	Wood
Heflin	Worley
Howington	Wright

Nays—65

Anderson	Mays
Baker	McAlister
of Fort Bend	McDaniel
Bond	McFarland
Boyer	McMurry
Bradford	McNamara
Bray	Mohrmann
Bridgers	Monkhouse
Burney	Montgomery
Cauthorn	Nicholson
Celaya	Olsen
Cockrell	Pace
Colquitt	Pevehouse
Colson, Mrs.	Pope
Dickson	Ragsdale
Donaghey	Reader of Bexar
Dwyer	Reed
Faulkner	Riviere
Felty	Robinson
Fielden	Schuenemann
Fuchs	Segrist
Gilmer	Shell
Gordon, Mrs.	Smith
Hankamer	of Matagorda
Hardin	Stinson
Hartzog	Taylor
Holland	Tennant
Johnson of Ellis	Thornton
Johnson of Tarrant	Vale
Kerr	Voigt
Kinard	Waggoner
Lehman	Wilson
Leyendecker	Winfree
Little	

Absent

Broadfoot	Hull
Bundy	Loggins
Goodman	Smith of Frio
Howard	Talbert

Absent—Excused

Alsup	Leonard
Baker of Grayson	Morris
Hardeman	

MESSAGE FROM THE SENATE

Austin, Texas, February 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 68, A bill to be entitled "An Act to amend Article 2199 of the Revised Statutes by adding thereto provision for reading from the court reporter's notes; repealing conflicting law, and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act withdrawing from appear-

ing party review in Court of Civil Appeals by means of writ of error, and declaring an emergency."

S. B. No. 86, A bill to be entitled "An Act declaring and designating the Brazoria County coast line a State Park and dedicating it to the general public for use as a Texas State Park, and declaring an emergency."

S. B. No. 173, A bill to be entitled "An Act providing that all cities having a population of not less than one thousand, two hundred and fifty-one (1,251) nor more than one thousand, two hundred and fifty-nine (1,259) may extend their corporation lines for school purposes only, providing the rights of scholastic children on the remaining part of the common school districts shall not be affected by the change; prescribing the proportion of taxes and school debts that the added territory shall bear; fixing the duty of assessing and collecting school taxes, and declaring an emergency."

Adopted

S. C. R. No. 5, Urging the House and Senate to adjourn from March 1 to March 3 so as to participate in patriotic exercises at Old-Washington-on-the-Brazos on March 2, 1939.

Respectfully,

BOB BARKER,

Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor.

To the Members of the Forty-sixth Legislature:

It seems to me that agriculture, livestock raising, fruit growing, and the conservation and reclamation of the land of the State as well as the conservation and restocking of the lands of the State with game, are all vital problems of State interest which could be more effectively handled if grouped under one single department in State Government.

The State Reclamation Engineer has as his duty selecting and defining areas of swamp land and overflow land which may be reclaimed, also making investigations designed to facilitate improvement of levees, drainage systems, and reservoirs designed to conserve the land. All of this work is very closely associated with the general problems of agricul-

ture and proper investigations made by this department probably could and would from time to time point out areas in the State not definitely profitable for agriculture which could be very profitably utilized for game preserves.

This department received during the last biennium appropriations amounting to, in round figures, \$83,000.

The State Board of Water Engineers is likewise very closely associated with the general problems of agriculture and livestock raising. Under existing law, this department is directed to deal with the problem of the conservation of land, reclamation of land and drainage, all of which are vital to the agricultural and stock-raising interests of this State. For the last biennium there was appropriated for this department, in round figures, \$179,000.

The Livestock Sanitary Commission is composed of three members. The general duties of the Commission may be summarized as to protect domestic animals from infectious diseases and to enforce quarantine lines, to promulgate rules, etc., all of which directly affect the interests of every farmer in Texas who is in any sense engaged in the raising of livestock. For the year 1938 the Legislature appropriated \$635,000 for the maintenance and operation of the Livestock Sanitary Commission. During the past 10 years the State has appropriated, in round figures, \$6,000,000 for the maintenance of this Commission.

The duties of the Game, Fish and Oyster Commission are, of course, well known, being to conserve game and fish within the State as well as along our coast line. Appropriations for this department during the current biennium amount to \$576,000.

I have not made a detailed study of the matter but based on the very limited study which I have made, it would seem that but little progress has been made in restocking the farms of this State with game and in replenishing our streams and lakes with fish. It seems to me that it would be definitely profitable for the State to do more than it is doing to restock the farms of this State with game and to increase the supply of fish in the streams throughout the State. I believe that these purposes could be more effectively forwarded if we had

a closer working relationship between the game department and the farmers of this State.

The Department of Agriculture received appropriations of approximately \$400,000 for the last biennium. The general duties of this department are, of course, well known and might be summarized in a general statement that its duties are to promote agriculture, horticulture and livestock raising.

Texas A. and M. College is charged with the responsibility of inspecting and testing feed stuffs offered for sale within the State. During the biennium 1937-1938, A. and M. College received from these fees approximately \$290,000. It seems to me that this is primarily a police duty of the State and should be performed by a State Department rather than an educational institution. I think it would be necessary to have the laboratory work done, of course, at A. and M. College but the actual inspection and execution of the law controlling the sale of feeds within the State should be in the Department of Agriculture.

Of course, I realize that some arguments can be given for the maintenance of each of these various services as a separate board or bureau of the State Government, but I believe that sound business judgment dictates that the interest of the State would be served if the work of the State Board of Water Engineers, the State Reclamation Engineer, the Livestock Sanitary Commission, the Game, Fish and Oyster Commission, and the work now being done by A. and M. College in inspecting feeds sold within the State, were all placed in one department to be known as the "Department of Agriculture and Livestock."

The Federal Government has found that the conservation of game and fish can very properly be handled under the general direction of the Department of Agriculture. There are many reasons why this is true. If we ever restock the farms of this State with game, if we ever restock the cattle ranches of this State with game, we are going to have to do it through the cooperation of the farmers and the livestock men. Certainly the work of the State Reclamation Engineer and the State Board of Water Engineers in planning the best means of utilizing swamp lands and in conserving surface water should be very closely coordinated with the work

of the State Game, Fish and Oyster Department in the creation of game preserves to provide a more abundant supply of game and fish and also to cooperate with the Federal Government in protection of migratory birds.

Certainly there is much argument in favor of the thought that the preservation and utilization of surface water as well as the underground water of this State, is a problem vitally associated with livestock raising and with agriculture. Certainly the building of terraces on the farms of this State and the building of reservoirs are a part of a general plan to develop agriculture and livestock raising. It is, therefore, my judgment that all of the functions should be placed in one department to be known as the "Department of Agriculture and Livestock." Of course, within this department it would be necessary to have a number of divisions each designed to deal with these separate specialized activities, but having these divisions in one department would without question bring them closer together, make possible the elimination of duplication of effort and waste of expenditure and at the same time make it possible for each of these various divisions to cooperate more effectively to do the one big job, that of conserving and developing farming, livestock raising, fruit growing, maintenance, and expansion of our water supply, the conservation of our game, and the rapid restocking of the farms of this State and the ranches of this State with game.

I believe that we should take action which will give farmers and stockmen of this State more recognition than they have had in the past in dealing with the general affairs of the State, and I believe that the development of a strong department, such as is herein recommended, would serve to accomplish this purpose. The Department of Agriculture and Stock-raising needs to be just as close to the people as is possible. In order to accomplish this, I most respectfully recommend to the Legislature that they give consideration to the enactment of a law which will bring all these various services into one department and provide in the law that the control of the Department of Agriculture and Livestock raising shall be vested in a Board to be composed of thirty-one (31) members, one member selected

from each of the thirty-one (31) Senatorial Districts. The members of this Board could be elected by the people or appointed by the Governor. The duties of this Board should be to serve as a general policy determining board and among other duties, it should be the responsibility of this Board to select the Commissioner of Agriculture. The members of this Board should serve without pay except that of actual expenses incurred in attending meetings.

In my judgment, the law should be so drafted that only actual fruit growers, farmers or livestock raisers would be eligible for membership on the Board. In other words, I think the Board should be composed of real farmers, fruit growers and stockmen and not of those who have retired and moved to the city. Such a law should provide for the present Commissioner of Agriculture to serve out the term for which he is elected and should, of course, make him eligible for election by this Board if they should in the future deem it desirable.

I believe that the President of A. & M. College and the President of Texas Technological College at Lubbock, should be ex officio members of this Board because the success of the Board should be definitely dependent upon the very closest cooperation between the agricultural colleges of the State and the agricultural department of the State.

May I in this connection urge the fact that I believe the State is overlooking a tremendous opportunity by not adopting a more aggressive policy in the propagation and conservation of fish and game within the State. As I see it, if the State would work out a long range, adequately financed plan to accomplish these purposes, it would yield a tremendous return on the investment. I believe that if the plan is worked out in cooperation with the farmers and stockmen of this State so that the work done will not be confined to isolated regions available to only a few of our citizens, substantial advantage will come to the State as a result of such efforts. I believe that such a plan can be made not only to increase the pleasure and enjoyment of our citizens generally but also that it can be made a major source of economic growth of the State. I see no reason why Texas could not within the next few years

be made the leading State of the American Union along these lines and thereby attract at different seasons of the year, thousands of visitors from other States who would be willing to pay substantial fees for the privileges which our State might have to offer.

If this consolidation of departments is made, I believe all of the money collected by the Game, Fish and Oyster Commission should be definitely earmarked for the purpose of replenishing and developing the game and fish within this State, and along with this there should be an increase in the fees charged for the privilege of hunting and fishing within this State and a very substantial increase in the fees charged out of State hunters and fishermen.

I have talked with many sportsmen and they have expressed to me the rather universal opinion that they would prefer to pay many times what they now pay for the privilege of hunting and fishing if they had something to hunt and something to fish, rather than to pay the small fees they now pay for the privilege of exhausting themselves in the quest of fish and game when none can be found. Of course, the fees charged for hunting within the county of residence should be very small as compared with the fee charged for the privilege of hunting anywhere in the State. Certainly a fee of Ten (\$10.00) Dollars for the privilege of hunting anywhere in the State would not be excessive.

If the Legislature should deem it inadvisable to consolidate the Game, Fish and Oyster Department with a general Department of Agriculture, then in that event I would recommend that all of the measures herein suggested to improve this Department be put into effect, and furthermore that all of the moneys collected by this Department be set aside for the general purpose of expansion of the work of the Game, Fish and Oyster Commission but that it be expended only in response to legislative appropriations which would define the purposes of expenditure in such manner as to give the Legislature and the people a more definite knowledge of the work which this Department of Government does.

The Legislature may in its judgment determine that some one of the agencies which I have recommended

be left as an independent agency and on the other hand, they may feel that further consolidation could be effected by the addition of other State services. I am not in any sense seeking to urge that this task be accomplished by following exactly the pattern which I have suggested, but rather I have suggested this pattern as a basis upon which to begin work designed to effect economy in the operation of the State Government and at the same time render a more efficient service to the citizenship of this State.

I am tremendously interested in seeing some plan worked out which will provide for these basic industries of our State, agriculture, fruit growing and livestock raising, a more coordinated plan of effective development and I believe if such a plan is to be made effective, it must be accomplished by bringing together the farmers, stockmen, fruit growers and those of our citizens who are especially interested in developing the game and fish supply of our State, to the end that each of these may recognize that it will require the co-operation of all if the job is effectively accomplished, and to the end that something may be accomplished along this general line, I recommend this subject to the Legislature as emergency legislation and I believe if this problem is approached by all of our citizens in a cooperative spirit and not in a spirit of seeking to maintain and defend each of these governmental agencies as a separate entity, that definite improvement can be accomplished. Certainly I do not believe that the \$2,000,000 (millions) which the Legislature is appropriating each biennium for these separate agencies is accomplishing all that could be accomplished.

Respectfully submitted,

W. LEE O'DANIEL,
Governor.

(Pending the reading of the Governor's message, Mr. Hartzog occupied the Chair temporarily.)

(Speaker in the Chair.)

RELATIVE TO TEXAS SCHOOL FOR THE DEAF

Mr. Johnson of Ellis offered the following resolution:

H. S. R. No. 123, Relative to Superintendent of Texas School for Deaf.

Whereas, Article 691 of the State statutes states that "The Board of Control shall elect a Superintendent for each institution under its control." That "Each Superintendent shall have had special advantages and practical experience in the management of the class of persons committed to his charge."

Whereas, The present Superintendent of the Texas School for the Deaf was elected to his position about sixteen years ago.

Whereas, At the time of his election he was not qualified under the statute inasmuch as his only previous experience had been fifteen years employment as rate clerk for the Railroad Commission which duties have no relationship to the deaf nor their problems.

Whereas, In the approximate 15 years of his tenure as Superintendent he has not—transcript of testimony—learned to converse with the students orally or manually without an interpreter.

Whereas, The Superintendent of the Deaf School has not attended any school since his election, specializing in work relating to the deaf nor any school for beginning his own literary advancement.

Whereas, According to the transcript of testimony taken at a recent public hearing it is apparent that about 75% of the teaching staff selected by the Superintendent are not qualified for their positions according to the rudiments of educational scrutiny.

Whereas, It is apparent that through the lack of training as an educator the Superintendent is precluded from properly or intellectually guiding the Deaf School to a position of guaranteeing the deaf children of Texas a maximum chance of educational attainment.

Whereas, The Superintendent of the Deaf School admits that he is not an educator either of the hearing or of the deaf is sufficient proof of the violation of the statute stipulating the requisites of the head of said school.

Whereas, The Superintendent's admission that he is a business man only, can be refuted by his poor business judgment for not requiring one Floyd Bailey a former bookkeeper to post bond.

Whereas, As a consequence of this

failure Bailey defalcated with the sum of \$6,414.29 over a period of six years and this amount has never been replaced for a lack of bond on the part of the defalcator.

Whereas, The Superintendent of the Deaf School is rarely found at his office by private citizens and legislators minimizes his ability as a business man.

Whereas, It is apparent that the general public, parents of deaf children, former students and Members of the Legislature are not welcome to visit the State School for the Deaf for any purpose is indicative of the Superintendent's instructions and further minimizes his usefulness as a public servant of sound business or administrative ability.

Whereas, The Superintendent admits that he does not seek or even countenance advice or counsel from the many deaf, who are accomplishing something in the world, as to suggestions calculated to produce better means of fortifying deaf children to meet the problems of life is indicative of his lack of usefulness as an administrator.

Whereas, The tempestuous disposition of the Superintendent of the Deaf School seems to have been adopted by many instructors under his supervision and as a result the defenseless children of the school pay the penalty.

Whereas, The Superintendent of the Deaf School violated Article 633 of the State statutes by selling a tract of land to the Board of Control which elected him, constitutes not only a violation of law but a breach of public policy.

Whereas, Presuming the law in favor of this transaction it was broken in the instance of the Superintendent not submitting a bid along with other Texas citizens, as required by law, and is indicative of financial favoritism as between employer and employee both being public servants using public funds and such act is against public policy and should be condemned by legislative severance of that relationship.

Whereas, There are many more examples of misdoings and shortcomings on the part of the Superintendent of the Deaf School as evidenced by approximately 1,000 pages of transcript of testimony taken at a public hearing conducted by the special investigating

committee of the Forty-fifth Legislature which is sufficient to warrant the discharge of the Superintendent of the School for the Deaf but brevity demands not printing the same in this resolution.

Whereas, It is the sense of the author that general deception is practiced, that unrest is at hand among the children of the school, that parents of deaf children throughout Texas deem the Superintendent unworthy and incapable as evidenced by nearly 8,000 signatures petitioning the Board of Control to remove T. M. Scott, Superintendent of the Texas School for the Deaf.

Whereas, The time has arrived when turbulent waters must be pacified; now, therefore, be it

Resolved by the House of Representatives of the Forty-sixth Session of the Legislature, That the Board of Control immediately discharge from public service T. M. Scott, Superintendent of the Texas School for the Deaf, and that a competent and worthy educator of the deaf be placed at the head of the said school.

The resolution was read second time.

Mr. Hale raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker overruled the point of order.

On motion of Mr. Hale, the resolution was referred to the Committee on State Eleemosynary and Reformatory Institutions.

NAMING BUELAH JANICE WESTBROOK MASCOT OF THE HOUSE

Mr. Oliver offered the following resolution:

H. S. R. No. 124, Naming Buelah Janice Westbrook Mascot of the House.

Whereas, We have with us now a proper person for office of Mascot of the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That Buelah Janice Westbrook, daughter of Honorable Mainor N. Westbrook of Fairdale, Texas, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-sixth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have her picture made and placed in the official group of this body.

The resolution was read second time, and was adopted.

PROVIDING FOR INVESTIGATION OF THE TEXAS PRISON SYSTEM

Mr. Winfree offered the following resolution:

H. S. R. No. 126, Providing for investigation of the Texas Prison System.

Whereas, The Governor of Texas has recommended to the Legislature of the State of Texas that a committee be appointed to make a study of the operation of the Prison System of the State of Texas; and further that the committee be instructed to report back to the Legislature within sixty (60) days, submitting a definite recommendation for the proper employment of convict labor and how the business management of the Prison System of the State of Texas may be improved to the end that the appalling expense to the taxpayers of this State of maintaining the Prison System may be reduced; and

Whereas, It is the opinion of this House that Members of the Legislature of this State have full authority to investigate the various departments of the State Government and to remedy such evils as may be found, and that Members of the Legislature are the proper persons to form and compose said investigating committee; and

Whereas, The Penitentiary Committee of the House of Representatives is a committee composed of elected Representatives, interested in and familiar with the operation of the Penitentiary System of this State; and

Whereas, The Chairman of the Penitentiary Committee of the House of Representatives has from the floor of this House fully exposed the inefficiency and mis-management of the Penitentiary System at this time; and

Whereas, The present Chairman of the Penitentiary Committee of the House of Representatives could not and would not be a fair and impartial judge of the affairs of the Penitentiary System of this State and of the

efficiency and capability of the management because he has already made up his mind, to the effect the taxpayers of this State are suffering an unwarranted burden due to the inefficiency of the present management of the Penitentiary System of this State; therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature, That the Penitentiary Committee of the House of Representatives be instructed and authorized to examine into the affairs and management of the Penitentiary System of this State, that they be authorized to inspect all records of the Penitentiary System, to examine any official or employee of said System and to inspect and examine the conditions under which the inmates live and work and the management and system of management now in force with reference to the running of the penitentiary of this State; and said Committee is hereby authorized to employ a competent reporter to record the proceedings of said Committee; and said reporter to be paid out of the contingent expense funds of the Legislature of this State upon a warrant drawn by the Vice-Chairman of said Committee, approved by the Speaker of the House; and the Committee is given power to swear and subpoena witnesses and the same powers are hereby conferred upon the Committee that now are conferred upon the District Courts of this State with reference to subpoenaing and swearing witnesses; and said Committee members are to be paid their actual and necessary expenses incurred in and upon said investigation upon a sworn itemized statement which shall be approved by the Speaker of the House; and upon the said approval the Comptroller of this State shall issue a warrant for said expenses; and, be it further

Resolved, That at the request of the Chairman of the Penitentiary Committee of the House of Representatives that upon said investigation, that he be permitted to ask that the Vice-Chairman preside over said Committee during such investigation.

The resolution was read second time.

On motion of Mr. Winfree, the resolution was referred to the Committee on Penitentiaries.

MEMORIALIZING CONGRESS IN REGARD TO THE CONFIS- CATION OF CERTAIN PROPERTIES

The Speaker laid before the House, for consideration at this time,

House Concurrent Resolution No. 15, by Mr. Dean, Memorializing Congress in regard to the confiscation of certain properties.

The resolution having heretofore been read second time and referred to the Committee on Oil, Gas and Mining.

The Committee on Oil, Gas and Mining having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

MEMORIALIZING CONGRESS IN REGARD TO CERTAIN TRACTS OF LAND

Mr. Westbrook offered the following resolution:

H. C. R. No. 35, Memorializing Congress in regard to certain tracts of land.

Whereas, The National Congress is now in session at the seat of government; and

Whereas, It has been a part of the plan of the Federal Government to furnish employment for the area of the various States, and in addition to rehabilitate such sections and farms; and

Whereas, Large sums of money have been expended by the National Congress for that purpose; and

Whereas, The National Government has taken over vast areas of what is commonly known as "cut over lands" in East Texas, and has begun a system of reforestation of such land; and

Whereas, The Federal Government is to be commended for such action in the conservation of one of the most valuable natural resources in this State; and

Whereas, It is desirable that tillable lands which can never be converted into timber-bearing lands be segregated from such timber lands; and

Whereas, Many acres of such land in East Texas would be desirable for small farms, and would house many homeless people in this State; and

Whereas, This Legislature is interested both in the reforestation program of the National Government,

and the rehabilitation program of the National Government; and

Whereas, It is thought expedient by the membership of this Legislature, and highly desirable as well, that the National Congress, in its plans of reforestation and rehabilitation, pursue such course in the most expeditious manner; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the National Congress be memorialized to enact laws and amendments to present laws that will permit the Federal Government to sell small tracts of land in this area to actual bona fide applicants, and to assist said such purchasers in the building and construction of homes on said lands, and that provisions be made after segregation of said lands as hereinabove set out, that such lands be used for farming and/or reforestation purposes, and that said lands for agriculture and/or farming purposes be sold on long term contracts at a minimum charge of interest to the purchasers, and that likewise the timbered lands be sold to actual occupants on long term contracts for a minimum interest charge, and that such purchasers, as are hereinafter located on timbered lands, be hired by the Federal Government and paid reasonable wages therefor to reforest and bring about new production to such timbered lands and to aid the Government in its laudable plans of reforestation; and be it further

Resolved, That a copy of this resolution be sent by the Chief Clerk to each of the Texas Members of the House of Representatives in Congress, and that a copy be sent to each of the United States Senators, and that five (5) copies be sent to the President of the United States; and it is so resolved.

The resolution was read second time, and was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 34, Extending facilities of the Texas Health Department to the Republic of Chile.

H. C. R. No. 33, Inviting Nathan Straus to address the Legislature.

S. B. No. 76, "An Act of the Legislature of the State of Texas making it unlawful to transport minnows beyond the limits of Williamson County that are taken from any water in Williamson County for the purpose of barter and sale and fixing the penalty, and declaring an emergency."

H. B. No. 316, "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such Districts; and validating all bonds issued and all bonds voted but not yet issued by such Districts; validating all acts of the officials of said District, and declaring an emergency."

H. B. No. 159, "An Act granting permission to A. B. Murdock to bring suit against the State of Texas and/or Highway Department in a Court of competent jurisdiction, for damages resulting by reason of the Texas Highway Department withholding a certain sum as liquidated damages, which is due and owing to the said A. B. Murdock for labor and material furnished in the building of Texas State Highway No. 34 in Tarrant County, Texas; providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State of Texas; providing that if any provision of this Act shall be invalid, the invalidity of the provisions thereof shall not be affected, and declaring an emergency."

H. B. No. 271, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which according to the last preceding Federal Census had a population of not fewer than four thousand one hundred thirty (4,130) and not more than four thousand one hundred eighty (4,180) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 179, "An Act authorizing the Old Age Assistance Commission to pay interest on warrants issued against the Texas Old Age Assistance Fund; making appropriations there-

for; restricting the total amount to be paid on account of any warrant issued for a given month; prescribing the powers and duties of certain State Officials in reference thereto; prescribing the maximum rate of interest to be paid; providing that authority conferred in this Act shall not be limited by the provisions of Section 6 of Chapter 472, Acts of the Second Called Session of the Forty-fourth Legislature; providing for the payment of any warrants issued under the provisions of this Act; limiting the amount of warrants to be issued hereunder to not more than Nine Hundred Thousand (\$900,000) Dollars and further providing that no such warrants on which interest is to be paid shall be issued after September 1, 1939; making this Act cumulative of other laws by providing that it shall take precedence over any law conflicting herewith, and declaring an emergency."

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 69, to the Committee on Judiciary.

Senate Bill No. 86, to the Committee on Public Lands and Buildings.

Senate Bill No. 173, to the Committee on School Districts.

Senate Bill No. 68, to the Committee on Judiciary.

RECESS

Mr. Reader of Erath moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Hartzog moved that the House recess until 10:30 o'clock a. m., tomorrow.

Mr. Langdon moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Langdon, it was lost.

Question then recurring on the motion by Mr. Reader of Erath, it prevailed, and the House, accordingly, at 12:30 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Education: House Bill No. 279.

Municipal and Private Corporations: House Bills Nos. 185, 253, 413, 414 and 516.

State Affairs: House Bills Nos. 12, 17, 180, 181, 302 and 441.

REPORTS OF THE COMMITTEE
ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 147, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn or wild turkey in Palo Pinto County for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 379, A bill to be entitled "An Act amending Section 1 of House Bill No. 1002, Chapter 363 of the Forty-fifth Legislature, Regular Session, 1937, relating to compensation of County Commissioners in certain counties, repealing all laws in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 432, A bill to be entitled "An Act to amend Section 1 of Article 952 of the Penal Code of Texas, by adding thereto Wilson County, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, include salaries of officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven (7) buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor, for miscellaneous equipment and ground and other improvements for said Hospital, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 15, Calling attention to the Department of State of the United States to the seriousness of the situation resulting from Mexican expropriation of American property and suggesting action in regard thereto.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 13, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. C. R. No. 35, Memorializing Congress to enact laws and amendments to present laws that will permit the Federal Government to sell small tracts of land in this area to actual bona fide applicants, and to assist said such purchasers in the building and construction of homes on said lands, etc.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, February 13, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 271, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which, according to the last preceding Federal Census, had a population of not fewer than four thousand, one hundred and thirty (4,130) and not more than four thousand, one hundred and eighty (4,180) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 13, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 159, "An Act granting permission to A. B. Murdock to bring suit against the State of Texas and/or Highway Department in a court of competent jurisdiction, for damages resulting by reason of the Texas State Highway Department withholding a certain sum as liquidated damages, which is due and owing to the

said A. B. Murdock, for labor and material furnished in the building of Texas State Highway No. 34 in Tarrant County, Texas; providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State of Texas; providing that if any provision of this Act shall be invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 13, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 179, "A Act authorizing the Old Age Assistance Commission to pay interest on warrants issued against the Texas Old Age Assistance Fund; restricting the total amount to be paid on account of any warrant issued for a given month; prescribing the powers and duties of certain State officials in reference thereto; restricting maximum amount of new warrants to be issued hereunder to Nine Hundred Thousand (\$900,000.00) Dollars, and the maximum rate of interest to be paid on or on account of such warrants; providing that no such warrants on which interest is to be paid shall be issued after September 1, 1939; providing that authority conferred in this Act shall not be limited by the provisions of Section 6 of Chapter 472, Acts of the Second Called Session of the Forty-fourth Legislature; providing for the prior payment of warrants issued under authority of Chapter 496, page 2084, Acts of the Forty-fourth Legislature, Third Called Session, making an appropriation therefor; and after the payment of said warrants providing for the payment of the warrants authorized under this Act and making an appropriation therefor; conferring on the Texas Old Age Assistance Commission authority to offer and deliver to the holder or holders of warrants issued under Chapter 496, Acts of the Forty-fourth Legislature, Third Called Session, and to the holder or holders of warrants issued hereunder, certain substituted obligations of the State, limiting the interest rate to be paid thereon; prescribing duties of the

State Treasurer in reference thereto, and making an appropriation to pay such obligations; providing for payment of interest at the existing contract interest rate on warrants issued under the provisions of said Chapter 496, until and unless surrendered for such substituted obligations; making such substituted obligations eligible to secure deposits of public funds; prescribing duties of named State officials; prescribing the effect on such obligations of approval by the Attorney General; making this Act cumulative of other laws but providing that it shall take precedence over any law conflicting herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 316, "An Act validating the organization of water control and improvement districts created by authority of Chapter 25, Acts of the Thirty-ninth Legislature, and amendments thereto in any county in the State of Texas having a population of not less than three thousand, seven hundred and fifty (3,750) and not more than three thousand, eight hundred (3,800), according to the last preceding Federal Census; and validating all acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validat-

ing all acts of the officials of said districts, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 33, Changing the date for the Honorable Nathan Straus to address a Joint Session of the House and Senate.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 34, Offering assistance to the Republic of Chile.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

February 13, 1939

House Bill No. 271.

House Bill No. 159.

House Bill No. 179.

House Bill No. 316.

House Concurrent Resolution No. 33.

House Concurrent Resolution No. 34.

In Memory of Judge Alvin C. Owsley

Mr. Skiles offered the following resolution:

H. S. R. No. 122, In memory of Judge Alvin C. Owsley.

Whereas, The House of Representatives has learned with regret of the death of Judge Alvin C. Owsley on April 27, 1938, at Denton, Texas; and

Whereas, Judge Owsley was one of the outstanding Members of the House of Representatives of the Twenty-first, Twenty-second and Twenty-fourth Legislatures; and

Whereas, Judge Owsley was not only a public minded citizen and public servant, but was one of the outstanding members of the Texas Bar and was held in esteem by his fellow lawyers; and

Whereas, Judge Owsley, who was born on April 8, 1855, and came to Texas in 1873 and settled in Denton, Texas, for nearly three quarters of a century was a motivating force in the improvement of his adopted State, serving as Judge of the 16th Judicial District Court in addition to his service in the Legislature, and contributing his time and service to the cause of humanity; and

Whereas, One of the notable achievements of his life, standing yet as a memory to his vision and foresight, is the North Texas State Teachers College at Denton, to the creation of which Mr. Owsley gave much of his time and was one of those who's efforts made possible the establishment of this great college; and

Whereas, The death of this great man is recognized as a distinct loss and the signal accomplishments of his life merit recognition and tribute by the State he loved so dearly and served so well; now, therefore, be it

Resolved by the House of Representatives, That the Members thereof deeply regret the passing of this noble and worthy character and that the Members of the House recognize in his death the loss of a great citizen; and that we extend our sympathy to the surviving members of his family; and, be it further

Resolved, That when the House adjourns today it do so in memory of Judge Alvin C. Owsley, that a page of the House Journal of today be dedicated to his memory and that the Chief Clerk of the House of Representatives be instructed to send copies of this resolution to the family of Mr. Owsley.

SKILES.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt,

Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Hale, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of Pope Pius XI

Mr. Bell offered the following resolution:

H. S. R. No. 125, In memory of Pope Pius XI.

Whereas, On Friday of last week there passed from the active panorama of the world a great and good man, His Holiness Pope Pius XI, Supreme Head of the Roman Catholic Church and the spiritual leader of four hundred million followers of the faith of their fathers throughout all climes, nations, and countries of the earth, members of which were kings and peons alike; and

Whereas, Not only the millions who recognized him as their spiritual leader but also many millions more, Protestant and Jew alike, recognized and acclaimed him as a great stabilizing force, as an apostle of peace, as a friend of the oppressed, as a denouncer of tyranny, as a man of courage, as a soldier of faith, as one though surrounded by the forces of the dictators on every hand, yet constantly fought for the rights and privileges of the individual, believing that the state was created by man and is subservient to man; and

Whereas, Even in his eighty-first year, with his body wracked with the infirmities of age, yet with his mind ever alert to the problems of the hour confronting the individual, the Catholic Church, the Christian people of all creeds, and all those who loved democracy, freedom and liberty, he courageously fought for peace and fought against death; and

Whereas, His life as a churchman and as a man, as a diplomat and a scholar, as a spiritual leader heading the vast organization of which he was the Supreme Pontiff is worthy of our deepest respect and esteem; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That it publicly and profoundly express its sincere regret upon the passing of this great man whose last breath formed the words "peace to the world"; and, be it further

Resolved, That the Chief Clerk of the House of Representatives be directed to send a copy of this resolution to his Eminence, Eugenio Cardinal Pacelli, Chamberlain of the Catholic Church at Vatican City, to express to the Church and to its millions of members profound regret upon the death of Pope Pius XI; and, be it further

Resolved, That a copy of this resolution be spread upon the Journals of the day and that when the House adjourns today it do so in respect and memory of His Holiness, Pope Pius XI.

BELL,
DWYER,
OLSEN,
HARTZOG,
VALE,
RIVIERE,
LEYENDECKER,
CELAYA,
READER of Bexar,
THORNTON.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Blankenship, Bond, Boyd, Boyer, Bradbury,

Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Erath, Reaves, Reed, Rhodes, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Turner, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mrs. Colson, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.